

**BEFORE THE MISSOURI STATE BOARD  
OF COSMETOLOGY AND BARBER EXAMINERS**

In the Matter of the Application of                     )  
   )  
**Bennie Thomas Jr.,**   )  
   )  
Applicant.   )

**ORDER OF THE  
MISSOURI STATE BOARD OF COSMETOLOGY AND BARBER EXAMINERS  
ISSUING A PROBATIONARY BARBER STUDENT LICENSE TO  
BENNIE THOMAS JR.**

The Missouri State Board of Cosmetology and Barber Examiners (the "Board") hereby issues its **ORDER** granting a **PROBATIONARY BARBER STUDENT LICENSE**, No. 2010020029, to Bennie Thomas Jr. (hereafter "Thomas"), pursuant to the provisions of § 324.038, RSMo. As set forth in § 324.038.2, RSMo, Thomas may submit a written request to the Administrative Hearing Commission seeking a hearing and review of the Board's decision to issue a probated license. Such written request must be filed with the Administrative Hearing Commission within 30 days of delivery or mailing of this Order of the Board. The written request should be addressed to the Administrative Hearing Commission, P.O. Box 1557, Truman State Office Building, Room 640, Jefferson City, MO 65102-1557. If no written request for review is filed with the Administrative Hearing Commission within the 30-day period, the right to seek review of the Board's decision shall be considered waived. Should Thomas file a written request for review of this Order, the terms and conditions of this Order shall remain in force and effect unless or until such time as the Administrative Hearing Commission issues an Order to the contrary.

Based upon the foregoing, the Board hereby states:

I.

**FINDINGS OF FACT**

1. The Board is an agency of the state of Missouri created and established pursuant to § 329.015, RSMo Cum. Supp. 2009, for the purpose of licensing all persons engaged in the practice of barbering and cosmetology in this state. The Board has control and supervision of the licensed occupations and enforcement of the terms and provisions of Chapters 328 and 329, RSMo (as amended).

2. Bennie Thomas Jr. currently resides at 4428 Athlone Ave., St. Louis, Missouri 63112. [REDACTED]

3. On or about October 18, 2004, Thomas pled guilty to the class B misdemeanor of the operating a motor vehicle on highway without a driver's license. License was suspended in the city of St. Louis Circuit Court, case number 22041-60577-01. Thomas was sentenced to one year in Jail. Thomas received a Suspended Execution of Sentence and was placed on probation for one year.

4. On or about December 30, 2004 Thomas was convicted of Operating Motor Vehicle On Highway While Driver License/Privilege Revoked (Suspended For Points) in St. Louis County Circuit Court, case number 22049-02878. Thomas was sentenced to a period of five days in Jail.

5. On or about February 9, 2007 Thomas pled guilty to the class C felony of Theft/Stealing (Value Of Property Or Services Is \$500 Or More But Less Than \$25,000) in St. Louis County Circuit Court, case number 2106R-04284-01. Thomas received a Suspended Imposition of Sentence and was placed on probation for a period of five years under the

supervision of the Missouri Board of Probation and Parole. On or about March 27, 2008 Thomas' probation was revoked and Thomas was sentenced six months in Jail.

6. On or about April 21, 2011 a Student Enrollment Application was received by the Board from Thomas seeking a barber student license.

## II.

### CONCLUSIONS OF LAW

7. The Board has authority to deny or refuse a license application pursuant to § 328.150.1, RSMo 2000, which provides:

The board may refuse to issue any certificate of registration or authority, permit or license required pursuant to this chapter for one or any combination of causes stated in subsection 2 of this section. The board shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of his right to file a complaint with the administrative hearing commission as provided by chapter 621.

8. The Board has cause to deny or refuse Thomas' application for a barber student license pursuant to § 328.150.2, RSMo 2000, which provides:

The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any holder of any certificate of registration or authority, permit or license required by this chapter or any person who has failed to renew or has surrendered his certificate of registration or authority, permit or license for any one or any combination of the following causes: . . .

(2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the United States, for any offense reasonably related to the qualifications, functions or duties of any profession licensed or regulated under this chapter, for any offense an essential element of which is fraud, dishonesty or an act of violence, or for any offense involving moral turpitude, whether or not sentence is imposed[.]

9. As a result of Thomas' convictions as set out in paragraph 4 above, the Board has cause to deny or refuse Thomas' application for a barber student license pursuant to § 328.150.1, RSMo, and § 328.150.2(2), RSMo.

10. As an alternative to refusing to issue a license, the Board may, at its discretion, issue a license subject to probation, pursuant to § 324.038.1, RSMo, which provides:

Whenever a board within or assigned to the division of professional registration, including the division itself when so empowered, may refuse to issue a license for reasons which also serve as a basis for filing a complaint with the administrative hearing commission seeking disciplinary action against a holder of a license, the board, as an alternative to refusing to issue a license, may, at its discretion, issue to an applicant a license subject to probation.

11. The Board issues this Order in lieu of denial of Thomas' application for a barber student license. The Board has determined that this Order is necessary to ensure the protection of the public.

### III.

#### ORDER

Based on the foregoing, Bennie Thomas Jr. is granted a barber student license, which is hereby placed on **PROBATION** for the period during which he is enrolled in barber school and receiving training hours, not to exceed five (5) years from the effective date of this Order. During the aforementioned probation, Bennie Thomas Jr. shall be entitled to enroll as a barber student subject to the following terms and conditions:

### IV.

#### TERMS AND CONDITIONS

During the aforementioned probation, Bennie Thomas Jr. shall be entitled to present himself and serve as a licensed barber student subject to the following terms and conditions:

- A. During the disciplinary period, Thomas shall comply with all provisions of Chapter 328, RSMo (as amended), all applicable board regulations, all applicable federal and state drug laws, rules and regulations and all applicable federal and state criminal laws. "State" includes the state of Missouri, all other states and territories of the United States, and the ordinances of their political subdivisions.
- B. During the disciplinary period, Thomas shall keep the Board informed of his current work and home telephone numbers. Thomas shall notify the Board in writing within ten days (10) of any change in this information.
- C. During the probationary period, Thomas shall timely renew his student license granted hereby and shall timely pay all fees required for licensure and comply with all other Board requirements necessary to maintain said license in a current and active state.
- D. During the probationary period, Thomas shall accept and comply with unannounced visits from the Board's representatives to monitor compliance with the terms and conditions of this Order.
- E. During the disciplinary period, Thomas shall appear in person for interviews with the Board or its designee upon request.
- F. Thomas shall submit written reports to the Board on or before January 1 and July 1 during each year of the probationary period stating truthfully whether there has been compliance with all terms and conditions of this Order. The first such report shall be received by the Board on or before January 1, 2011.
- G. If, at any time during the probationary period, Thomas changes his address from the state of Missouri, or ceases to maintain his barber student license current or active under the provisions of Chapter 328, RSMo (as amended), or fails to keep the Board advised of all current places of residence, the time of such absence, unlicensed or inactive status, or unknown whereabouts shall not be deemed or taken to satisfy any part of the probationary period.
- H. The Board retains jurisdiction to hold a hearing at any time to determine if a violation of this Order has occurred and, if a violation of this Order has occurred, may seek to amend this Order or impose further disciplinary or appropriate action at the discretion of the Board. No order shall be entered by the Board pursuant to this paragraph without any required notice and opportunity for a hearing before the Board as provided by Chapter 536, RSMo (as amended).
- I. Unless otherwise specified by the Board, all reports, documentation, notices, or other materials required to be submitted to the Board shall be forwarded to: Missouri State Board of Cosmetology and Barber Examiners, P.O. Box 1335, Jefferson City, Missouri 65102.

J. Any failure by Thomas to comply with any condition of discipline set forth herein constitutes a violation of this Order.

This Order does not bind the Board or restrict the remedies available to it concerning any violation by Respondent of the terms and conditions of this Order, Chapters 324 and 328, RSMo (as amended), or the regulations promulgated thereunder.

The Board will maintain this Order as an open, public record of the Board as provided in Chapters 328, 610, and 324, RSMo (as amended).

**SO ORDERED, EFFECTIVE THIS 6th DAY OF June, 2011.**

MISSOURI STATE BOARD OF COSMETOLOGY  
AND BARBER EXAMINERS

A handwritten signature in cursive script, appearing to read "Emily Carroll", is written over a horizontal line.

Emily Carroll, Executive Director